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101ST CONGRESS
2d Session

SENATE

REPORT
101-489

DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN LANDS TO THE TOWN OF TAOS, NEW MEXICO

OCTOBER 3, (legislative day, OCTOBER 2), 1990.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1831]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1831) to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico, having considered the same, reports favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CONVEYANCE OF PROPERTY.

(a) CONVEYANCE.—No later than eighteen months after the date of enactment of this Act, the Secretary of Agriculture, (hereinafter referred to as "the Secretary") shall, in accordance with the provisions of this Act, convey by quitclaim deed, all right, title and interest of the United States in the property described in subsection (b), to the town of Taos, New Mexico, (hereinafter referred to as "the town").

(b) DESCRIPTION OF PROPERTY.—The property to be conveyed pursuant to subsection (a) includes the lands and improvements thereon, commonly referred to as the "Old Taos Ranger District Office and Warehouse", (hereinafter referred to as "the property"). Such property, located in Taos, New Mexico, comprises approximately 0.633 acres, and is more particularly described in the warranty deed dated January 22, 1937, by William T. and Mary E. Hinde, husband and wife, to the United States, recorded in Book A-34, page 415, of the Record of Deeds, Taos County, New Mexico.

(c) CONSIDERATION.—In consideration for such conveyance, the town shall pay the United States an amount equal to the administrative costs associated with the preparation of title and legal description of the property, as determined by the Secretary of Agriculture.

(d) REVERSION.—Title to the property conveyed pursuant to subsection (a) shall revert to the United States if the town attempts to convey or otherwise transfer

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ownership of any portion of such property for purposes other than those described in subsection (e).

(e) USES OF PROPERTY.—The property conveyed to the town pursuant to this Act shall be used solely as a community center or for related public purposes.

PURPOSE OF THE MEASURE

The purpose of S. 1831, as ordered reported, is to direct the Secretary of Agriculture to convey 0.633 acres of National Forest land, and the existing Forest Service district office and warehouse buildings which currently occupy that land, to the town of Taos, New Mexico for use as a community center.

BACKGROUND AND NEED

The town of Taos is located in rural, northern New Mexico and supports a population of approximately 5,000 people. Currently, Taos is experiencing the same high unemployment rate and sluggish economy facing many, small rural communities.

Known to Spanish explorers since 1540, and settled in 1617, Taos has inherited a rich history from the Spanish and Native American cultures, much of which is evident in the town's adobe style architecture. The old Forest Service district office building and adjacent warehouse are examples of this type of architecture.

In 1979, the Forest Service relocated its district offices to a newer facility. Since then the old buildings have been used for storage and temporary office space for Forest Service personnel. For several years, town officials have attempted to acquire the warehouse in the hopes of using it for community purposes, but a lack of resources has made acquisition of the building impossible.

S. 1831 would convey the old Forest Service district office and warehouse, and the approximate .633 acres of land on which they reside, to the town of Taos, New Mexico.

LEGISLATIVE HISTORY

S. 1831 was introduced by Senators Bingaman and Domenici on November 2, 1989. The Subcommittee on Public Lands, National Parks and Forests held a hearing on this measure on May 1, 1990.

At the business meeting on September 19, 1990, the Senate Committee on Energy and Natural Resources ordered S. 1831, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 19, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1831 if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston [1]	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman	

Mr. Wirth
Mr. Conrad
Mr. Heflin [1]
Mr. Akaka [1]
Mr. McClure
Mr. Hatfield [1]
Mr. Domenici [1]
Mr. Wallop
Mr. Murkowski
Mr. Nickles [1]
Mr. Burns
Mr. Garn [1]
Mr. McConnell

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 1831, the Committee adopted an amendment in the nature of a substitute. The substitute made a number of technical changes and two substantive changes. While the original bill conveyed the lands and buildings to the Town of Taos within 6 months after the date of enactment, the substitute directs that the conveyance occur no later than 18 months after enactment. The Committee determined that the Forest Service needed additional time to relocate its staff and supplies from the office building and warehouse.

In addition, the substitute directs that the property conveyed to the town be used for a community center or related public purposes.

SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary of Agriculture to convey all right, title and interest in the property described in subsection (b) to the town of Taos, New Mexico within 18 months after the date of enactment of this Act.

Section 1(b) describes the 0.633-acre "Old Taos Ranger District Office and Warehouse" to be conveyed to the town of Taos.

Section 1(c) directs that the town of Taos pay the administrative costs associated with the conveyance.

Section 1(d) provides for reversion of the property conveyed if the town of Taos attempts to convey or transfer the property, or uses it for purposes other than those described in subsection (e).

Section 1(e) directs that the property conveyed to the town of Taos be used solely as a community center or for related public purposes.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1831, a bill to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico, as ordered reported by the Senate Committee on Energy and Natural Resources on September 19, 1990. CBO estimates that enacting this bill would result in no additional cost to the federal government.

S. 1831 would require the Secretary of Agriculture to convey a property of about 0.6 acres with buildings referred to as the "Old Taos Ranger District Office and Warehouse," to the town of Taos for use as a community center or related public purposes.

The bill would require the town of Taos to pay the federal government an amount equal to the costs of preparing the title and legal description of the property. Based on information provided by the Department of Agriculture, CBO estimates that these administrative costs would total about $2,000. Since Taos would reimburse the government for these costs, there would be no net impact on the federal budget.

Except for the payment by the town of Taos, enacting the bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Pete Fontaine, who can be reached at 226–2860.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1831. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1831, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of Agriculture setting forth executive agency recommendations relating to S. 1831 is set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, June 25, 1990.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department regarding S. 1831, a bill "To direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico."

The Department of Agriculture would support enactment of S. 1831 if the bill were amended as we recommend herein.

S. 1831 would convey, without compensation, all right, title, and interest of the United States in and to the land and improvements locally referred to as the "Old Taos Ranger District Office and Warehouse" to the Town of Taos, New Mexico.

We support the proposed conveyance, but we oppose conveyance without reimbursement to the Federal Government. Furthermore, we oppose relinquishing facilities currently occupied by personnel of the Carson National Forest without provisions being made for acceptable replacement facilities.

The land was purchased by the Forest Service in 1937 to provide an office location for the Taos Ranger District. Since that time, the site has been continuously occupied by the Forest Service. Currently, the facilities are used by part of the Forest Supervisor's staff because the Supervisor's office, which we lease from a private party, is too small to accommodate all of the staff. We are negotiating with the owner of the Supervisor's office for construction of an addition to accommodate the Forest Service staff occupying the "Old Taos Office and Warehouse." Although we are hopeful that space will be available before the end of the year, we have no assurance that this will be the case. Accordingly, until such time as satisfactory space is available for the staff persons occupying the "Old Taos Office and Warehouse," we feel strongly that the bill, as introduced, is unacceptable.

We also believe that the broader general public should benefit from conveyances to local communities. In keeping with national direction that disposals of Federal land should be at fair market value, we strongly urge the committee to consider amending the bill to require compensation at fair market value through a land exchange or payment.

The "Old Taos RD Office and Warehouse" property was appraised in January 1987 at $330,000. Based on that appraisal, we estimate that the current value is about $360,000. The amount would not be sufficient to buy replacement land and build a satisfactory new office for the staff displaced by this proposal. However, we recommend that any funds collected from the sale of the property be deposited into a special account, which would be available to the Secretary for the acquisition of other lands or interests in lands in the State of New Mexico that are desirable for improvement and management of the National Forest System.

Our recommendations are presented, in the form of a substitute bill, in our enclosed supplemental statement.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CLAYTON YEUTTER,
Secretary.

SUPPLEMENTAL STATEMENT OF THE U.S. DEPARTMENT OF AGRICULTURE CONCERNING S. 1831

The following is a replacement bill:

A BILL To authorize the Secretary of Agriculture to convey certain lands to the Town of Taos, New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; That, the Secretary of Agriculture (hereafter "Secretary") is authorized to convey by quitclaim deed to the Town of Taos, New Mexico, subject to the provisions of Section 2 of this Act all right, title, and interest of the United States in and to the following described tract of land and improvements thereon (hereinafter called "property"):

> That property locally referred to as the "Old Taos Ranger District Office and Warehouse" located within the Town of Taos, Taos County, New Mexico, containing 0.633 acres, more or less, more specifically described in that certain warranty deed dated January 22, 1937, from William T. and Mary E. Hinde, husband and wife, to the United States of America, as recorded in the official records of Taos County, New Mexico, on January 23, 1937 in book A-34, Page 415 Record of Deeds of said Taos County.

SEC. 2. CONDITIONS.

(a). Any conveyance pursuant to Section 1 shall be conditioned upon the Secretary entering into an exchange agreement with the Town of Taos, sufficient to assure the Secretary that the Town of Taos will provide to the United States such land suitable for National Forest System purposes within the State of New Mexico, which is equal in value or equalized by cash payment to the property authorized to be conveyed as determined by the Secretary.

(b). The Town of Taos, may at the discretion of the Secretary, deposit cash in an amount not less than the fair market value, upon the date of enactment of this Act, of the property conveyed. The cash so received shall be deposited into a special fund in the Treasury and shall remain available until expended by the Secretary for the purposes of acquisition of land and/or improvements suitable for National Forest System purposes within the State of New Mexico.

(c). The Secretary is authorized to continue to occupy the property without payment of rent or other fees, until such time as suitable replacement facilities, as determined by the Secretary, have been accepted for relocation.

(d). The United States is hereby released from any and all liability arising from the future use of the property affected by this Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1831, as reported.

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